

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

**Boyd Unit & Little Creek
Creek Allotment Grazing
Permits**

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0102-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to transfer a portion of the permit for the Boyd Allotment No. 00200 to two separate individuals. One portion of the permit will be combined with an existing grazing authorization (#25021268) and the other (#2504441) will result in a new authorization and creation of a new allotment. These permits will be issued to the current applicants for a ten year term. The term of the permit will run from March 1, 2013 through February 28, 2023. Under the proposed action the terms and conditions will be issued as outlined below.

GR# 2502168

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Boyd Unit No. 00200	5	Cattle	03/01	02/28	100	Custodial	63

Total Active AUMs: 63

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with the normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMS.

GR# 2502444

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Little Breed Creek No. 03346	1	Cattle	03/01	02/28	100	Custodial	11

Total Active AUMs: 11

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with the normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMS.



In Reply Refer To:
4100(MTC021)
GR# 2502168
GR# 2504442

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-0940
<http://www.blm.gov/mt>



May 24, 2013

Territorial Holdings LLC
104 Turtle Road
Twin Bridges, Montana 59754

Certified Mail No: 70113500000345173743
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Little Breed Creek Allotment No. 03346 is located approximately 25 miles northeast of Melstone, Montana in Rosebud County. The Little Breed Creek consists of 47 acres of public domain containing 11 AUMs and 4,214 acres of private land.

The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 1999.

The Boyd Unit Allotment No. 00200 is located approximately 10 miles northeast of Melstone, Montana in Rosebud County. The Boyd Unit Allotment consists of 320 acres of public domain containing 63 AUMs and 6,352 acres of private land.

The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 1999.

A Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0102-EA) to transfer a portion of the preference for the Boyd Allotment No. 00200 to the two separate individuals and issue grazing permits. The decision would result in a new grazing authorization and the creation of a new allotment. The Environmental Assessment was signed by the authorized officer on April 15, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to transfer a portion of the preference for the Boyd Allotment No. 00200 to two separate individuals. One portion of the preference will be combined with an existing grazing authorization (#25021268) and the other (#2504441) will result in a new authorization and creation of a new allotment. These permits will be issued to the current applicants for a ten year term. The term of the permits will run from March 1, 2013 through February 28, 2023. Under the proposed action the terms and conditions will be issued as outlined below.

GR# 2502168

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
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Boyd Unit No. 00200	5	Cattle	03/01	02/28	100	Custodial	63
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Total active AUMs: 63

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with the normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

GR# 2502444

Allotment Name and Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Little Breed Creek No. 03346	1	Cattle	03/01	02/28	100	Custodial	11

Total active AUMs: 11

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with the normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

RATIONALE

The issuance of the grazing permits is provided through warranty deeds being submitted to the BLM. The deeds contain the legal descriptions of portions of the base property for the Boyd Unit Allotment No. 00200 and were determined to be appropriate by the authorized officer.

Upon receiving all forms a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0102-EA) to analyze the transfer a portion of the permit for the Boyd Allotment No. 00200 to the two separate individuals. The Environmental Assessment was signed by the authorized officer on April 15, 2013

The BLM determined that Territorial Holdings LLC and Gene Klamert meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions
§4130.3-3 Modification of permits and leases
§4160.1 Proposed decisions
§4160.2 Protests
§4160.3 Final decisions
§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed 2 copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Josh Halpin, Rangeland Management Specialist at 406-233-3168.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies) (Please sign and return to the Miles City Field Office)
- 2) BLM Allotment Map

Halpin:lrn:5/23/13:Klamert_Territorial_Decision_Letter_Halpin_2013